

REMARKS

Claims 1 and 6 have been amended to overcome the §112 rejection. Withdrawal is requested.

Claims 1 and 4-6 stand rejected under §103 on the basis of Manabe JP '501. Applicant traverses this rejection because the Examiner has not fairly considered the test results described in applicant's specification. The Declaration of Atsushi Tanno is submitted in support of applicants' arguments.

In the Examiner's response to applicant's previous arguments (paragraph 5), the Examiner erroneously argues that it is not clear that the inventive wheels tested pertained to the configuration defined in the claims. Table 1 (page 9 of the present specification), clearly states that the present invention was tested. This is confirmed in the Tanno Declaration. Moreover, the table discloses the three rim thicknesses recited in claim 1. Thus, it is clear that the tested inventive wheels are actually the claimed invention.

The results shown in table 1 (road noise) show a distinct reduction in road noise from 3.2 to 4, over a range of 2-3 in the prior art wheels. The Tanno Declaration explains the test results in greater detail. An evaluation of 3.5 points represented a noise level at which even ordinary people could clearly feel that indoor noise was improved over the 2-3 point noise levels in the conventional wheels, and 4 points indicated marked improvement in road noise over the conventional wheels. These results are significant because they relate the results to the user (as measured by professional panelists), and establish that the present invention provides competitive advantage.

Such results, or the manner in which these results were obtained, are not suggested by Manabe. Whether the tested prior art wheels correspond to Manabe is irrelevant, and a requirement of proof on that point would be unreasonable. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

For the foregoing reasons, applicant believes that this case is in condition for allowance, which is respectfully requested. The examiner should call applicant's attorney if an interview would expedite prosecution.

Respectfully submitted,

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